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April 5th, 2020

The Honorable Lorna G. Schofield
Thurgood Marshall United States Courthouse
Southern District of New York
40 Foley Square, Courtroom 1106
New York, New York 10007

Re: Antolin vs. Rosenblum, et al
Case No.: 1:19-cv-06264-LGS

Dear Judge Schofield,

In accordance with your Individual Practices, Section III.C.3 and Local Rule 37.0, I write seeking a telephonic conference with chambers to file Plaintiff's Motion to Strike defendants pleadings pursuant to Rule 37 of the Federal Rules of Civil Procedure.

All of the Defendants were served December 4, 2020 with five separate and distinct requests, 1) Plaintiff's First Request for Production of Documents pursuant to Rule 34 of the Federal Rules of Civil Procedure; 2) Plaintiff's Notice of Service of Fact and Expert Witness Interrogatories; 3) Plaintiff's First Set of Interrogatories and 4) Plaintiff's Request pursuant to Rule 26(a)(2) for Production and 5) Rule 34 for inspection of the subject facility.

In accordance with your Order of January 7, 2021 [Docket Entry 81], "Pursuant to the Civil Case Management Plan and Scheduling Order ("CMP") (Dkt. No. 75), the deadline for the completion of fact discovery is March 30, 2021".

The time has come and passed as we have received absolutely nothing from defendants Village Realty LLC, Kenneth Rosenblum, Bernice Rosenblum Jorge Guzman and Lamano West Village LLC regarding these Requests. Moreover, the time period for defendants to depose Plaintiff has expired, pursuant to the Scheduling Order.

As such, we seek an order from your Honor that said deposition has been waived along with aforementioned request for a conference to strike the pleadings.

Respectfully, I remain,

Very truly yours,


Stuart H. Finkelstein

SHF/tc
To all counsel of record via ECF